

DONNA ROPER 10/30/2020

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MISSOURI
3 SOUTHEASTERN DIVISION
4
5
6 ROBIN MESEY and JENNIFER MESEY,)
7 Plaintiff,)
8 vs.)
9 CITY OF VAN BUREN, MISSOURI, et) 1:19-CV-71 SNLJ
10 al,)
11 Defendant.)

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DEPOSITION OF DONNA ROPER
TAKEN ON BEHALF OF THE PLAINTIFF
OCTOBER 30, 2020

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1 Q. Did Nina ever attack you?

2 A. No.

3 Q. Did you have a chance to see your children
4 interact with either Max or Nina?

5 A. Yes.

6 Q. And can you describe those interactions.

7 A. Fine.

8 Q. So did your children play with Max?

9 A. Yeah.

10 Q. Did they play with Nina?

11 A. Yeah.

12 Q. Is that a yes?

13 A. Yes. Sorry. I said yeah.

14 Q. Yeah. Close enough. Right? And prior to
15 this incident, how often would you say you would spend
16 time at the Meseys' residence?

17 A. Once or twice a week.

18 Q. And would that be you yourself, or you and
19 your kids?

20 A. Me, myself, and me and my kids.

21 Q. So sometimes just you alone, and sometimes
22 with the kids?

23 A. Yes.

24 Q. And had that occurred over a year? A couple
25 years?

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1 A. Many years.

2 Q. Okay. At the time of the incident subject to
3 this case, where were Jennifer and Robin Mesey living?

4 A. I don't know.

5 Q. Do you know on what street?

6 A. Dale Street.

7 Q. And do you know what house? I mean, could
8 you locate the house?

9 A. I think they were in their dad's house.

10 Q. Okay.

11 A. Her dad's house --

12 Q. Right.

13 A. -- I should say.

14 Q. Okay. Now, any of those visits that we
15 talked about before, did any of them occur at their
16 location on Dale Street?

17 A. Yes.

18 Q. And did your father also live on Dale Street?

19 A. Yes.

20 Q. About how far from the Meseys did your father
21 live?

22 A. One block.

23 Q. Did your father have a dog?

24 A. Yes.

25 Q. And what was the dog's name?

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1 A. Draco.

2 Q. Okay. Is that D-R-A-C-O?

3 A. Yes.

4 Q. What kind of dog was Draco?

5 A. He was a mix.

6 Q. Okay. About how big was Draco?

7 A. German Shepherd size.

8 Q. More than 50 pounds?

9 A. Yes.

10 Q. In between 50 and 100?

11 A. Yeah.

12 Q. So not a small dog?

13 A. No.

14 Q. On the date of the incident, did you have a

15 chance to travel to Dale Street?

16 A. On the date of the incident?

17 Q. Yes.

18 A. Yes.

19 Q. I'm sorry?

20 A. Yes.

21 Q. Okay. And how did you get to Dale Street?

22 By what means of transportation?

23 A. Vehicle.

24 Q. All right. And whose vehicle were you in?

25 A. My son's.

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1 Q. And who was driving?

2 A. My husband.

3 Q. Okay. And when you -- were you in the
4 passenger's seat?

5 A. Yes.

6 Q. Was anyone else in the vehicle besides you
7 and your husband?

8 A. No.

9 Q. When you were driving to Dale Street, was
10 your intention to go visit your dad?

11 A. Yes.

12 Q. Okay. Did you drive to your dad's house?

13 A. My husband did.

14 Q. I'm sorry. Good answer. Did you and your
15 husband drive to your dad's house?

16 A. Yes.

17 Q. And as you got to your dad's house, what did
18 you see?

19 A. Nothing.

20 Q. And when you arrived at your dad's house, did
21 your husband park the vehicle?

22 A. Yes.

23 Q. All right. Do you remember where he parked?

24 A. Right in front of the sidewalk.

25 Q. And would that have been in front of your

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1 **dad's house?**

2 A. Yes.

3 **Q. And what happened after your husband parked**
4 **the vehicle?**

5 A. We went in and visited with my dad.

6 **Q. Did you two walk in your dad's house**
7 **together?**

8 A. Yes.

9 **Q. And did your dad say anything about Draco?**

10 A. No. Draco was in the house at the time.

11 **Q. Okay. How long did you visit with your dad**
12 **that time?**

13 A. I can't remember.

14 **Q. Okay. At some point, did -- did your dad or**
15 **anyone let Draco outside?**

16 A. Yes. My dad did.

17 **Q. Okay. And what happened after Draco was let**
18 **outside?**

19 A. We sat in there and talked a little longer.

20 **Q. Okay. And did Draco come back inside?**

21 A. No.

22 **Q. Okay. At some point, did you and your**
23 **husband leave your dad's house?**

24 A. Yes.

25 **Q. Okay. And did you leave just because you had**

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1 visited long enough, it was time to go to the next
2 spot, or --

3 A. Yes.

4 Q. And did you both exit your dad's house at the
5 same time?

6 A. Yes, we did.

7 Q. And what happened after you exited your dad's
8 house?

9 A. We got in the vehicle, drove up the street,
10 and seen a pile of dogs in the middle of the road.

11 Q. Pile of dogs wrestling? Fighting?

12 A. Fighting.

13 Q. What were they doing? Did you recognize the
14 dogs?

15 A. Yes, I did.

16 Q. What dogs did you recognize?

17 A. I recognized my father's.

18 Q. Was Draco the only dog you recognized?

19 A. No. I recognized Max and Nina, too.

20 Q. Prior to this incident, had Draco and Max or
21 Nina -- had they fought before?

22 A. Yes.

23 Q. Did they do that often?

24 A. I think there was only one time before.

25 Q. Okay. Was Max injured? Or was Draco injured

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1 that one time before?

2 A. Yes.

3 Q. What happened to him?

4 A. He had bite marks all over his face.

5 Q. Okay. He didn't have any deadly wounds; did
6 he?

7 A. Not deadly. No.

8 Q. Okay. When you saw Draco, Max and Nina in
9 the middle of the road fighting, what did you and your
10 husband do?

11 A. We stopped the vehicle.

12 Q. And what happened after you guys stopped the
13 vehicle?

14 A. We stepped out of the vehicle.

15 Q. Did you exit the passenger's side door?

16 A. Yes, I did.

17 Q. Okay. And did your husband, Charles, exit
18 the driver's side door?

19 A. Yes.

20 Q. What did you do after you exited the door?

21 A. I stood beside the door for a minute.

22 Q. Okay. And when you both exited the vehicle,
23 what were the dogs doing at that time?

24 A. Both Max and Nina were just ripping him
25 apart.

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1 **Q. Did you say anything to them?**

2 A. I hollered their names, to see if I could get
3 their attention.

4 **Q. Okay. And did you see or hear your husband**
5 **do anything?**

6 A. Not at that time. I was focused on the dogs.

7 **Q. Okay. What happened next?**

8 A. What happened next? I heard my husband take
9 one shot, and it scared the smallest dog off. And
10 then I went to take a few steps forward to see if I
11 could try and coax Max off of my dad's dog. And then
12 he just decided that hackles were raised, tail was
13 stiff, you know, teeth bared, he was growling, and he
14 was fixing -- he was coming over the top of Draco
15 towards me, so my husband took a second shot.

16 **Q. Do you know where he took the shot at?**

17 A. Which one? The first one or the second one?

18 **Q. The second one.**

19 A. At the dog. In the head. Well, back of the
20 neck, I think. I didn't really get to see that part.

21 **Q. Okay. How close was Max to you when your**
22 **husband, Charles, shot him?**

23 A. About five foot.

24 **Q. And what happened after Mr. Roper shot Max?**

25 A. I got my dad's dog and took him back down to

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1 Q. Okay. Is there any reason why you didn't
2 state anything about the hackles in your statement?

3 A. I didn't know that a statement had to be
4 detailed.

5 Q. Okay. Is there any reason you didn't state
6 anything about the -- Max's teeth being shown to you?

7 A. I just basically explained what happened.

8 Q. Well, this is an explanation of what
9 happened, according to you, on that day. Right?
10 But -- and today, you're giving a different version.

11 MR. HARDEN: Object to form.
12 Argumentative.

13 Q. (BY MR. SCHOTTEL.) Are you testifying to
14 something additionally today that's not in that
15 written statement?

16 A. No. I just didn't write the details down on
17 here.

18 Q. Okay. So that's my question. Are you
19 testifying today to something additional that is not
20 contained in your original written statement?

21 A. Yes.

22 Q. Okay. What happened after your husband,
23 Mr. Roper, shot Max?

24 A. What happened after? I took my dad's dog
25 and -- took my dad's dog back down to his house.

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1 Q. Okay. Did you see Max after he got shot?

2 A. No. I didn't.

3 Q. Wasn't he in front of you?

4 A. I was more focused on my dad's dog.

5 Q. Okay. Where was Max? If you were standing,
6 and Max was getting shot, you said he's about five
7 feet from you. Correct?

8 A. Uh-huh.

9 Q. Was he in front of you, or to the side of
10 you?

11 A. In front.

12 Q. Okay. Where was Draco?

13 A. In front of me.

14 Q. Was he on the other side of Max?

15 A. No. Max was on top of him.

16 Q. Okay. Five feet away?

17 A. Yes.

18 Q. Were you present when either Robin or
19 Jennifer Mesey came out to the location?

20 A. No.

21 Q. Did your husband go with you -- or I'm
22 sorry -- what did you do with Draco after your husband
23 shot Max?

24 A. I took him to my dad's house.

25 Q. Did your husband, Charles, go with you?

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